

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Senior Deputy Clerk.

F035204 People v. Harris

Cause called and argued by Richard Doctoroff, Esq., counsel for appellant. Ann P. Wathen, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

At this point Vartabedian, J. and Buckley, J. leave the bench. They are replaced by Levy, J. and Wieland, ProTem J.

F034825 Mastro v. Petrick

Cause called and argued by John K. Ormond, Esq., counsel for appellant and by John T. Nagel, Esq., counsel for respondent.

Cause ordered submitted.

F034304 People v. Escobar

Cause called and argued by Judith Kahn, Esq., counsel for appellant. Lloyd G. Carter, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Charles A. Wieland, ProTem Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

F034907 Duncan et al. v. Spivak, M.D.

Cause called and argued by Carlyle A. Mounteer, Esq., counsel for appellants and by Mario L. Beltramo, Esq., counsel for respondent.

Cause ordered submitted.

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At this point Wieland, ProTem J. leaves the bench and is replaced by Harris, J.

F33539) People v. Cottrell

F37604) In re Dale Lloyd Cottrell on Habeas Corpus

Cause called and argued by Christopher Blake, Esq., counsel for appellant and by George Hendrickson, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, September 13, 2001 at 10:00 A.M.

F037511 In re Alexander K., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037511 In re Alexander K., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036730 Stephen M., et al. v. Fresno County Health Services System, et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F035461 People v. Bagsby, Jr.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F037458 People v. Espinoza

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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F035283 People v. Acosta

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F038269 Gardner v. Edward R. Jagels, District Attorney, et al.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F033690 Shelton v. Blonder

The judgment is affirmed. Buckley, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036803 In re Samuel R., a Minor

The judgment is affirmed. Ardaiz, P.J.

We concur: Levy, J.; Wieland, ProTem J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036932 In re Michael T., a Minor

Filed modification of opinion (no change in judgment).

F038255 People v. Pounds

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F035924 In re Enrique G., a Minor

The judgment (order) appealed from is reversed and the cause is remanded to the juvenile court, which is instructed to vacate its order denying appellant's motion to suppress and to enter a new order granting that motion. The juvenile court shall also vacate appellant's no contest plea, reinstate the original nine charge petition, and proceed thereafter as may be necessary and appropriate. Dibiaso, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F034381 Nevocal Enterprises, Inc. v. Board of Education of the Fresno Unified School District et al.; Harris Construction

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F036786 People v. Letcher, Jr.

The conviction for receiving stolen property (section 496) is reversed. The trial court is directed to prepare an abstract of judgment in accordance therewith. In all other respects, the judgment is affirmed. Buckley, J.

We concur: Vartabedian, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036236 People v. Cromer

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036236 People v. Cromer

The case is remanded to the trial court so that it may impose the stayed prior prison term enhancement, or, to strike upon a statement of reasons for doing so. The trial court shall forward the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]